IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5842 OF 2007

Vesava Mangela Machhimar Sanaj
Sarvodaya Co-op.Hsg.Sty.Ltd. & ors.... Petitioner

versus

The Divisional Joint Registrar
Co-op.societies, Mumbai & ors..... Respondent.

Shri H.S.Shreepad Murthy for the petitioners
Ms. V.S.Mhaispurkar AGP for respondents 1.2 and 5.
Shri P.G.Lad for respondent no.4.

CORAM; A.P. DESHPANDE, J.
DATED; 30TH AUGUST, 2007

P.C.;

1. Managing Committee of the petitioner society came to be superseded by the order passed under section 78 of the Co-operative Societies act. Aggreived by the order of supersession, and appointment of board of administrators, the appeal came to be filed before the Dvl. Joint Registrar by the petitioner. In the said appeal the petitioner moved an application for stay of the order. Rejection of the said application has given raise to the filing of the present petition.

2. When the petition came up for hearing on 22-8-2007 the learned counsel for respondent no.3 informed this court that the administrator has already taken over the charge on 18-7-2007.

3. All the parties are in agreement that the present writ petitions be disposed of by permitting the administrator to manage the affairs of the society, that the administrator should not enroll new members and/or enter into the compromise in the arbitration proceedings pending before the arbitrator between the society and the developer and that the administrator should not stop the ongoing construction of the building. The administrator so also the authorities are agreeable that the administrator shall not enroll new members or shall not enter into the compromise with the developer in the arbitration proceeding and shall not stop the ongoing construction. In view of the parties being in agreement on the terms on which the writ petition is to be disposed of, I dispose of the writ petition permitting the administrator to look after the administration of the society, however, subject to the said restriction mentioned hereinabove,

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